

REMARKS/ARGUMENTS

1. Claim Amendments

The Applicant has amended claims 21, 22, 27, 40 and 41 and claims 39 and 41 have been canceled. Applicant respectfully submits no new matter has been added. Accordingly, claims 21-38, 40 and 42 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2. Claim Rejections – 35 U.S.C. §101

The Examiner rejected claims 39-41 on the asserted basis that those claims are directed to non-statutory subject matter. Claims 39 and 41 have been canceled, rendering the rejection of those claims moot. Claim 40 has been amended to direct it to statutory subject matter.

3. Claim Rejections – 35 U.S.C. § 112

Claims 22 and 42 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. Claims 22 and 42 have been amended to overcome the rejections.

4. Claim Rejections – 35 U.S.C. § 103 (a)

Claims 21-25 and 39-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application 1,045,386 ("Herpel") in view of United States Patent 7,222,104 ("Tadayon"). Applicant has amended claims 21-22 and 40 to better distinguish the present invention from the cited references. Support for the amendments can be found at page 5, lines 1-7. Claims 39 and 41 have been canceled rendering the rejection of those claims moot.

According to the Examiner, Herpel discloses:

transferring at least one of the media file and the associated usage rights data directly from the first user unit to the second user unit via a communication link between the first and second user units (14 - "multimedia content item is copied to the secondary device");

limiting access by the first user unit to the media file (18 - "if the multimedia content item is no longer needed on the primary device, it can be physically deleted");

providing access to the second user unit to the media file (14 - "copied to the secondary device").

The Examiner acknowledges that Herpel does not disclose the following elements and relies on Tadayon for such elements:

coupling at least one of the first and second user units over a communications network to the central interface unit (figure 1, arrows between 130 and 150, 150 and 152);

logging, at the central interface unit, the transfer of at least one of the media file and its associated usage rights data to the second user unit (column 5, lines 36-41 - "transfer permission module 214 manipulates current user ID flag mobile 216 to reflect the exchange in current users of the content...").

However, Herpel fails to disclose the elements of *identifying the at least one of a media file by a central interface unit* wherein the media file includes at least one component of image data, audio data, and video data, transferring the at least one of the media file and the associated usage rights data directly from the first user unit to the second user unit via a communication link between the first and second user units, limiting access by the first user unit to the media file and providing access to the second user unit to the media file. Tadayon fails to overcome the above referenced deficiencies of Herpel. Neither the media server of Herpel nor the transfer permissions module/rights transfer module of Tadayon can be equated to the claimed central interface unit. This is clear from the nature of the data stored according to Herpel and Tadayon, e.g. in the database, which differs substantially from that of the transfer data logged according to the present invention.

Further, neither Herpel nor Tadayon disclose the additional elements of generating an acknowledgment receipt by the second user unit after receipt of the media file; and transferring the acknowledgment receipt from the second user unit to the

first user unit after the media file is transferred from the first user unit to the second user unit.

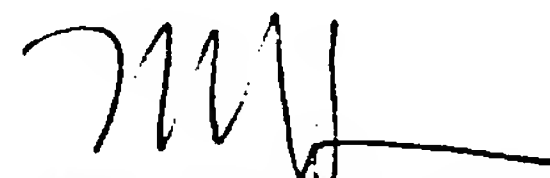
Claims 26-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herpel in view of Tadayon, further in view of Official Notice. As noted above, Herpel and Tadayon fail to disclose all of the elements of the present invention as claimed in amended claim 21 from which claims 26-38 depend. Therefore, the allowance of claims 26-38 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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